IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6467 OF 2005

Sarvodaya Shikshan Sanstha ...

Petitioner

Versus

The State of Maharashtra & Ors. ...

Respondents

Mr. G.S. Godbole and Mr. S. Sahastrabudhe for the Petitioner

Mr. C.R. Sonawane, Assistant Government Pleader,
for Respondents No. 1 to 3

Mr. R. More for Respondents No. 4 and 5.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.
DATE: NOVEMBER 19, 2005.

P.C.:-

1. By this petition, the petitioner, which is an educational society, has challenged order dated 3rd September, 2005, by which Shahu Shikshan Sanstha, Pandharpur, is permitted to transfer its secondary school at Gorai in Borivali (West) to Village Soddi in Solapur District.

2. The only ground for challenging the permission to transfer is the fact that it is not in keeping with the Master Plan prepared for Solapur District as contemplated by the Secondary School Board. That plan is basically a guide for establishing schools for spreading education in various areas, and as far as possible, avoid unhealthy competition between the school managements. The provisions made in the plan cannot, therefore, be termed as mandatory, even a small infraction of which should result in our exercising the extra-ordinary jurisdiction under Article 226 of the Constitution of India. No injury of any kind is caused to the students who are taking education in the school of the petitioner, as they would have a school nearer to their homes on this transfer taking place. The petitioner has not suffered any injury for which it should have a remedy. In our opinion, there is no substance in this writ petition. The same is dismissed.